

**STATEMENT OF FINDINGS
AND
FINDING OF NO
SIGNIFICANT IMPACTS**

U.S. ARMY CORPS OF ENGINEERS

NASHVILLE DISTRICT

STATEMENT OF FINDINGS

AND

FINDING OF NO SIGNIFICANT IMPACTS

City of Clarksville, Tennessee,
Use of Corps Property and Proposed Discharge of Dredged and
Fill Material into Waters of the U.S. Associated with
Proposed Recessed Excavation and Public Marina at
Cumberland River Mile 127.2, Right Bank,
Lake Barkley, Montgomery County, Tennessee

1. The City of Clarksville proposes to construct a marina and associated support facilities on the Cumberland River, at Mile 127.2, Right Bank, Lake Barkley, in Clarksville, Montgomery County, TN. This new development would include modifications to a 140-acre city park used by the city government and residents of Clarksville for leisure activities, youth league sports events, annual state fair, and open green space. The City's proposal would include modification of their existing land lease DACW62-1-85-0159 with the US Army Corps of Engineers (Corps) currently issued to the City of Clarksville, Tennessee. The project involves utilizing a portion of 10.8 acres of fee simple, and approximately 120.0 acres of flowage easement land to construct a recessed channel and marina basin adjacent to the Cumberland River immediately downstream from existing park facilities. After construction is complete on marina development, waters from the Cumberland River will be allowed to flow into the excavated area to develop a marina channel and basin.

2. In accordance with ER 200-2-2, Policy and Procedures for Implementing NEPA, an Environmental Assessment (EA) was prepared and circulated to other agencies and groups for review. Three alternatives were evaluated for the proposed action and include: 1) The proposed action; 2) The proposed action with special conditions; and 3) no action

alternative. The EA determined that no significant adverse environmental impacts would result from the proposed action with special conditions, which include completion of compensatory wetland and stream mitigation. The proposed action with special conditions was, therefore, the recommended plan.

3. The EA addresses the Corps' Regulatory actions authorizing the discharge of dredged and fill material in waters of the U.S. Construction of the marina basin would require the removal and filling of wetlands and unnamed tributaries adjacent to the river. Civil Environmental Consultants (CEC) conducted a wetland delineation and water body survey of the project tracts in 2008. The Corps verified the findings of the delineation by letter dated August 29, 2008. Stream impacts (1,104 linear feet total) would involve the excavation of 846 linear feet of a perennial unnamed stream and 258 linear feet of an intermittent stream. The perennial stream flows into the proposed marina basin through a culvert under State Route 13, meanders through the center of a large wetland, and then discharges into the Cumberland River. The intermittent stream flows a short distance on the property prior to its confluence with the perennial stream.

4. The proposal would result in some minor short-term impacts during construction. Although there would be temporary turbid conditions induced by the construction, long-term water quality conditions and fisheries would not be significantly impacted. Typical construction impacts (sedimentation, noise, air quality, etc.) would be reduced by use of appropriate best management practices. Measures would be incorporated into the plans for this project to reduce and/or offset any negative impacts. Trees requiring removal within the proposed marina basin will be addressed through the Nashville District, Standing Operating Procedure, Mitigation Policy for Issuing Real Estate Outgrants, dated August, 2002. For on-site mitigation, applicant should perform annual or more frequent, if needed, trash and debris cleanup for wetlands within the marina basin.

5. Public Notice No. 09-26, pursuant to Section 404 of the Clean Water Act, was circulated for public comment for thirty days on March 27, 2009. All comments received have been addressed in the EA. A 404(b)(1) evaluation was completed, and Water Quality Certification was received from the

Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control (WPC) on June 1, 2009 (NRS 08.280). Public review of TDEC WPC QC notice, which was completed April 10, 2009, resulted in no adverse comments. The Nashville District Regulatory Branch (OP-F) and Project Planning Branch prepared a joint EA and FONSI for this permit and real estate action. The comments received in response to OP-F public notice have been considered and addressed in this EA and the decision making process for DA permits and RE instruments. The applicant has addressed the few opposition letters received. No comments were received from adjacent property owners. U.S. Fish and Wildlife Service, Tennessee Wildlife Resources Agency, and the Tennessee Historical Commission stated no objections to the proposed project. There were no requests for public hearings on this proposal.

6. Section 106 of the National Historic Preservation Act of 1966 requires each Federal agency take into account the effects of its undertakings on historic properties included in or eligible for listing in the National Register of Historic Places. The proposed marina and fairgrounds has been surveyed for cultural resources. The archaeological survey covers all lands impacted by the project including the proposed excavation areas and disposal areas. The SHPO has reviewed the material and in a letter dated April 8, 2009 concurred with the Corps "no historic properties affected" determination.

7. The selected alternative is in compliance with Executive Order 11988 (Floodplain Management). Six wetland sites (as defined in 40 CFR 230.40-45) were identified as being impacted by this proposal. The project would require the filling and excavation of a total of 6.655 acres of jurisdictional wetlands. Prior to submittal of the application, the Corps approved the wetland delineation report and proposed mitigation plans (prepared by CEC) that were submitted by the applicant. Mitigation for the proposed impacts to wetlands would consist of on-site and off-site mitigation methodologies authorized by the Corps. Compensatory wetland mitigation would be both on and offsite. The offsite mitigation would occur at the Hodges Tract and the Grimes Tract adjacent to the Tennessee Wildlife Resources Agency Shelton Ferry Wildlife Management Area, located at Cumberland River Mile 140.5 which is about 13 miles upriver of the proposed marina. Mitigation would be required to meet success criteria, monitored and annual

reports submitted to both the Corps and TDEC. Finally, the proposal is in compliance with Executive Order 12898 on Environmental Justice.

8. I have reviewed the proposed action, agency comments, and the EA in light of the general public interest. I have determined that the work would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969, as amended. Accordingly, I have concluded that an Environmental Impact Statement concerning the proposed marina facility by the City of Clarksville is not required.

9. Finally, pursuant to 10 U.S.C. 2668, based on available information pertaining to this request, I have concluded that granting approval of development plan with special conditions and issuance of a DA permit would not be against the public interest.

8 July 2009
Date

for Leroy A. Strauss, MAJ
Bernard R. Lindstrom
Lieutenant Colonel
Corps of Engineers
District Engineer